

**STATE OF CONNECTICUT  
BOARD OF EXAMINERS FOR NURSING**

Department of Public Health and Addiction Services v.

**~~Lynne Reardon, R.N.~~**

Registered Nurse License No. R33412

20 Village Street

North Haven, Connecticut 06473

CASE PETITION NO. 930805-10-047

**MEMORANDUM OF DECISION**

**INTRODUCTION**

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health and Addiction Services (hereinafter the "Department") with a Statement of Charges dated April 13, 1994. (Department Exhibit 1) The Statement of Charges alleged in two (2) counts, violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Lynne Reardon (hereinafter the "Respondent").

The Board issued a Notice of Hearing dated April 27, 1994 scheduling a hearing for September 21, 1994. The hearing was rescheduled and took place on October 26, 1994 in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut. (Department Exhibit 1)

During the hearing the Department verbally amended paragraph 5d of the Statement of Charges. In addition, the Department, without objection from the Respondent, corrected a typographical error in Paragraph 5 of an affidavit of Doris Pingel (Department Exhibit 1-D) by changing "1994" to "1993". (Hearing Transcript, October 26, 1994, p. 7)

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's professional knowledge in evaluating the evidence.

### FACTS

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Lynne Reardon, hereinafter referred to as the Respondent, was issued Registered Nurse License Number R33412 on July 7, 1980. (Department Exhibit 1)
2. Pursuant to the General Statutes of Connecticut, §4-182(c), the Respondent was provided full opportunity prior to the institution of agency action to show compliance with all the terms for the retention of her license. (Department Exhibit 1)
3. The Respondent was aware of the time and location of the hearing. Department Exhibit 1 indicates that the Notice of Hearing, Statement of Charges, and Notice of Continuance of Formal Hearing were delivered to the Respondent by certified mail.
4. The Respondent was present during the hearing but was not represented by counsel. During the hearing the Respondent provided a verbal answer to the Statement of Charges. (Hearing Transcript, October 26, 1994, pp. 2-3, 8-10)
5. Pursuant to a Memorandum of Decision dated January 26, 1982 the registered nurse license of the Respondent was suspended for two (2) years, effective February 15, 1982, for the diversion, abuse and excessive use of the controlled substance Tylox and Percodan, and for unlawfully, negligently and incompetently failing to keep proper controlled substance disposition records, while the Respondent was employed as a registered nurse at Yale-New Haven Hospital and the Hospital of Saint Raphael, New Haven, Connecticut, during 1980. (Department Exhibit 1-B)

6. Pursuant to a Consent Order dated April 15, 1993 the registered nurse license of the Respondent was placed on probation for three (3) years, effective May 1, 1993, for the diversion, abuse and excessive use of the controlled substances Percocet and Darvocet, and for falsifying controlled substance disposition records, while the Respondent was working as a nurse at Montowese Health Care Center, North Haven, Connecticut, during 1992. (Department Exhibit 1-A)
7. Probation of the Respondent's registered nurse license included the condition that the Respondent shall not accept employment as a nurse for a personnel provider, visiting nurse agency or home health care agency during the period of probation. (Department Exhibit 1-A)
8. From on or about May 1, 1993 until at least July 24, 1993 the Respondent was employed as a registered nurse by Key Personnel Inc., North Haven, Connecticut. Key Personnel Inc. is a provider of temporary medical relief staff. (Department Exhibit 1-C, 1-D)
9. During July 1993 the Respondent worked as a registered nurse at the Bridgeport Correctional Facility, Bridgeport, Connecticut.
10. On July 16, 17, 18 and 19, 1993, while working as a registered nurse at Bridgeport Correctional Facility, the Respondent signed out on controlled substance disposition records that doses of Percocet were administered to patient Joseph Izzo. The controlled substance disposition records indicate that two (2) percocet tablets were signed out for the patient by the Respondent for each administration. Medication administration records, however, do not contain documentation that the Percocet tablets were administered or that only one (1) tablet was administered on each occasion. Physician orders for patient Izzo indicate that only one (1) Percocet tablet was to be administered to the patient, when needed. (Department Exhibit 1-F)
11. On July 17, 18 and 19, 1993, while working as a registered nurse at Bridgeport Correctional Facility, the Respondent signed out on controlled substance disposition records that doses of Percocet were administered to patient Richard Kistner. The controlled substance disposition

records indicate that two (2) Percocet tablets were signed out for the patient by the Respondent for each administration. Medication administration records, however, do not contain documentation that the Percocet tablets were administered or that only one (1) tablet was administered on each occasion. Physician orders for patient Kistner indicate that only one (1) Percocet tablet was to be administered to the patient, when needed. (Department Exhibit 1-F)

12. On July 16, 17 and 19, 1993, while working as a registered nurse at Bridgeport Correctional Facility, the Respondent signed out on controlled substance disposition records that doses of Percocet were administered to patient Stephen Rumovicz. The controlled substance disposition records indicate that two (2) Percocet tablets were signed out for the patient by the Respondent for each administration. Medication administration records, however, do not contain documentation that the Percocet tablets were administered or that only one (1) tablet was administered on each occasion. Physician orders for patient Rumovicz indicate that only one (1) Percocet tablet was to be administered to the patient, when needed. (Department Exhibit 1-F)

### **DISCUSSION AND CONCLUSIONS**

In consideration of the above Findings of Fact, the following conclusions are rendered:

Lynne Reardon is the holder of a valid Registered Nurse License in the State of Connecticut.

The Notice of Hearing and Statement of Charges sufficiently provided information as mandated by the General Statutes of Connecticut §4-177 and §4-182.

The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19-2a-1 through §19-2a-30 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

The FIRST COUNT PARAGRAPH 4 of the Statement of Charges alleges that on or about July 1993 while working as a registered nurse at Bridgeport Correctional Facility, Bridgeport, Connecticut, the Respondent:

- "a. diverted percocet; and/or
- b. abused or utilized to excess said medications; and/or
- c. failed to completely or properly or accurately make documentations in the medical or hospital records; and/or
- d. falsified one or more Controlled Substance Receipt Records."

The Respondent admits to Paragraph 4c but denies Paragraphs 4a, 4b and 4d. (Answer: Hearing Transcript, October 26, 1994, p. 9)

Based on its review of Department Exhibit 1-F the Board found that on July 16-19, 1993, while working as a registered nurse at the Bridgeport Correctional Facility, Bridgeport, Connecticut, the Respondent, in excess of physician orders, signed out doses of the controlled substance Percocet for patients on controlled substance disposition records. The Board finds that all or part of the doses of Percocet signed out by the Respondent were not administered to the patients. The Medication Administration Records lack documentation to account for the doses of Percocet signed out by the Respondent and therefore are proof that doses of Percocet were not administered to the patients. The Board therefore concludes that the Respondent diverted the Percocet.

Diversion of a controlled substance occurs when a controlled substance is signed out on a controlled substance disposition record but is not administered to a patient and is not accounted for as proven by the lack of documentation on a medication administration record.

The Board further concludes that the Respondent falsified one or more Controlled Substance Receipt Records (also known as controlled substance disposition records) in that she signed out doses of Percocet on controlled substance disposition records indicating that said doses were administered to patients when in fact said doses were diverted.

The General Statutes of Connecticut, §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes "... (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions... (6) fraud or material deception in the course of professional services or activities.... "

Based on its findings and the Respondent's admission, the Board concludes that the Respondent's conduct as specified in the First Count Paragraphs 4a, 4c, and 4d is proven and that said conduct violates the General Statutes of Connecticut Section 20-99(b)(2) and (6). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

The Board concludes the Department presented insufficient evidence to prove the Respondent abused or excessively used Percocet while working as a registered nurse at the Bridgeport Correctional Facility. Therefore, the First Count Paragraph 4b is dismissed.

The SECOND COUNT of the Statement of Charges alleges the Respondent violated the terms of probation as set forth in a Consent Order dated April 15, 1993, in that on or about May 1, 1993 until on or about July 24, 1993 the Respondent was employed by a nursing personnel provider, when employment by a personnel provider was prohibited during the pendency of the probation.

The Respondent admits this charge. (Answer: Hearing Transcript, October 26, 1994, pp. 9-10)

Based on its findings and the Respondent's admission the Board concludes that the Respondent's conduct as specified in the Second Count is proven and that said conduct violates the terms of probation as set forth in the Consent Order dated April 15, 1993. Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

ORDER

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. For the First Count and the Second Count the Respondent's Registered Nurse License, No. R33412, be revoked.
2. Revocation shall become effective on the date this Memorandum of Decision is signed by the Board of Examiners for Nursing.

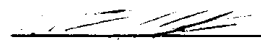
The Board of Examiners for Nursing finds the misconduct regarding the First Count and Second Count is severable and each specific offense warrants the disciplinary action imposed.

The Board of Examiners for Nursing hereby informs the Respondent, Lynne Reardon and the Department of Public Health and Addiction Services of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 3rd day of May, 1995.

BOARD OF EXAMINERS FOR NURSING

By

  
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